

AMENDED IN SENATE MAY 7, 2003

AMENDED IN SENATE APRIL 23, 2003

**SENATE BILL**

**No. 362**

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**Introduced by Senator Figueroa**  
**(Coauthors: Senators Aanestad and Vincent)**  
(Coauthors: Assembly Members Correa, Nation, and Runner)

February 19, 2003

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An act to amend Sections 1616.5, ~~1742, 1756, 1760, 1760.5, 1761, 1765, 1768, and 1775~~ and 1742 of, to amend and repeal Section 1601.1 of, and to repeal Sections 1762, 1763, and 1764 of, the Business and Professions Code, to amend Section 830.3 of the Penal Code, and to repeal Sections 3 and 4 of Chapter 859 of the Statutes of 2001, relating to dental professionals.

LEGISLATIVE COUNSEL'S DIGEST

SB 362, as amended, Figueroa. Dental professionals.

(1) Existing law provides for the licensing and regulation of dental professionals and dental auxiliaries, ~~including registered dental assistants and registered dental hygienists,~~ by the Dental Board of California and the Committee on Dental Auxiliaries. ~~A violation of the law regulating dental auxiliaries is a crime.~~ The provisions creating the board, authorizing the board to appoint an executive officer, and creating the committee will become inoperative on July 1, 2004, and will be repealed on January 1, 2005.

This bill would delete these dates and extend operation of these provisions until July 1, 2008.

~~(2) Existing law authorizes registered dental hygienists to perform certain functions.~~

~~This bill would revise these provisions and would specify that registered dental hygienists may only perform functions that may be performed by registered dental assistants if the registered dental hygienist holds a current and active license as a registered dental assistant.~~

~~(3) Existing law requires the board to license as a registered dental assistant in extended functions or as a registered dental hygienist in extended functions a person who satisfies certain requirements, including completing clinical training approved by the board in a facility affiliated with a dental school.~~

~~This bill would delete the requirement that the training be in a facility affiliated with a dental school.~~

~~(4)~~

(2) Existing law requires the Director of Consumer Affairs to designate as peace officers persons to be assigned to the investigations unit of the board.

This bill would delete that requirement.

~~(5)~~

(3) Existing law requires the board to contract with a specified entity to conduct a followup study relating to the board's enforcement program. Existing law appropriates \$75,000 from the State Dentistry Fund to the board for the followup study.

This bill would delete these provisions.

~~(6) Because a violation of the bill's requirements with respect to dental auxiliaries would be a crime, the bill would impose a state-mandated local program.~~

~~(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~yes~~ *no*.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1601.1 of the Business and Professions
- 2 Code, as added by Section 2 of Chapter 625 of the Statutes of 2002,
- 3 is amended to read:



1 1601.1. (a) There shall be in the Department of Consumer  
2 Affairs the Dental Board of California in which the administration  
3 of this chapter is vested. The board shall consist of eight practicing  
4 dentists, one registered dental hygienist, one registered dental  
5 assistant, and four public members. Of the eight practicing  
6 dentists, one shall be a member of a faculty of any California dental  
7 college and one shall be a dentist practicing in a nonprofit  
8 community clinic. The appointing powers, described in Section  
9 1603, may appoint to the board a person who was a member of the  
10 prior board. The board shall be organized into standing  
11 committees dealing with examinations, enforcement, and other  
12 subjects as the board deems appropriate.

13 (b) For purposes of this chapter, any reference in this chapter  
14 to the Board of Dental Examiners shall be deemed to refer to the  
15 Dental Board of California.

16 (c) The board shall have all authority previously vested in the  
17 existing board under this chapter. The board may enforce all  
18 disciplinary actions undertaken by the previous board.

19 (d) This section shall become operative on January 1, 2002.

20 (e) This section shall become inoperative on July 1, 2008, and,  
21 as of January 1, 2009, is repealed, unless a later enacted statute that  
22 is enacted before January 1, 2009, deletes or extends the dates on  
23 which it becomes inoperative and is repealed. The repeal of this  
24 section renders the board subject to the review required by  
25 Division 1.2 (commencing with Section 473).

26 SEC. 2. Section 1601.1 of the Business and Professions Code,  
27 as added by Section 2.5 of Chapter 532 of the Statutes of 2001, is  
28 repealed.

29 SEC. 3. Section 1616.5 of the Business and Professions Code  
30 is amended to read:

31 1616.5. (a) The board, by and with the approval of the  
32 director, may appoint a person exempt from civil service who shall  
33 be designated as an executive officer and who shall exercise the  
34 powers and perform the duties delegated by the board and vested  
35 in him or her by this chapter.

36 (b) This section shall become operative on January 1, 2002.

37 (c) This section shall become inoperative on July 1, 2008, and,  
38 as of January 1, 2009, is repealed, unless a later enacted statute that  
39 is enacted before January 1, 2009, deletes or extends the dates on  
40 which it becomes inoperative and is repealed.

1 SEC. 4. Section 1742 of the Business and Professions Code  
2 is amended to read:

3 1742. (a) There is within the jurisdiction of the board a  
4 Committee on Dental Auxiliaries.

5 (b) The Committee on Dental Auxiliaries shall have the  
6 following areas of responsibility and duties:

7 (1) The committee shall have the following duties and  
8 authority related to education programs and curriculum:

9 (A) Shall evaluate all dental auxiliary programs applying for  
10 board approval in accordance with board rules governing the  
11 programs.

12 (B) May appoint board members to any evaluation committee.  
13 Board members so appointed shall not make a final decision on the  
14 issue of program or course approval.

15 (C) Shall report and make recommendations to the board as to  
16 whether a program or course qualifies for approval. The board  
17 retains the final authority to grant or deny approval to a program  
18 or course.

19 (D) Shall review and document any alleged deficiencies that  
20 might warrant board action to withdraw or revoke approval of a  
21 program or course, at the request of the board.

22 (E) May review and document any alleged deficiencies that  
23 might warrant board action to withdraw or revoke approval of a  
24 program or course, at its own initiation.

25 (2) The committee shall have the following duties and  
26 authority related to applications:

27 (A) Shall review and evaluate all applications for licensure in  
28 the various dental auxiliary categories to ascertain whether a  
29 candidate meets the appropriate licensing requirements specified  
30 by statute and board regulations.

31 (B) Shall maintain application records, cashier application  
32 fees, and perform any other ministerial tasks as are incidental to  
33 the application process.

34 (C) May delegate any or all of the functions in this paragraph  
35 to its staff.

36 (D) Shall issue auxiliary licenses in all cases, except where  
37 there is a question as to a licensing requirement. The board retains  
38 final authority to interpret any licensing requirement. If a question  
39 arises in the area of interpreting any licensing requirement, it shall  
40 be presented by the committee to the board for resolution.



1 (3) The committee shall have the following duties and  
2 authority regarding examinations:

3 (A) Shall advise the board as to the type of license examination  
4 it deems appropriate for the various dental auxiliary license  
5 categories.

6 (B) Shall, at the direction of the board, develop or cause to be  
7 developed, administer, or both, examinations in accordance with  
8 the board's instructions and periodically report to the board on the  
9 progress of those examinations. The following shall apply to the  
10 examination procedure:

11 (i) The examination shall be submitted to the board for its  
12 approval prior to its initial administration.

13 (ii) Once an examination has been approved by the board, no  
14 further approval is required unless a major modification is made  
15 to the examination.

16 (iii) The committee shall report to the board on the results of  
17 each examination and shall, where appropriate, recommend pass  
18 points.

19 (iv) The board shall set pass points for all dental auxiliary  
20 licensing examinations.

21 (C) May appoint board members to any examination  
22 committee established pursuant to subparagraph (B).

23 (4) The committee shall periodically report and make  
24 recommendations to the board concerning the level of fees for  
25 dental auxiliaries and the need for any legislative fee increase.  
26 However, the board retains final authority to set all fees.

27 (5) The committee shall be responsible for all aspects of the  
28 license renewal process, which shall be accomplished in  
29 accordance with this chapter and board regulations. The  
30 committee may delegate any or all of its functions under this  
31 paragraph to its staff.

32 (6) The committee shall have no authority with respect to the  
33 approval of continuing education providers; the board retains all  
34 of this authority.

35 (7) The committee shall advise the board as to appropriate  
36 standards of conduct for auxiliaries, the proper ordering of  
37 enforcement priorities, and any other enforcement-related matters  
38 that the board may, in the future, delegate to the committee. The  
39 board shall retain all authority with respect to the enforcement

1 actions, including, but not limited to, complaint resolution,  
2 investigation, and disciplinary action against auxiliaries.

3 (8) The committee shall have the following duties regarding  
4 regulations:

5 (A) To review and evaluate all suggestions or requests for  
6 regulatory changes related to dental auxiliaries.

7 (B) To report and make recommendations to the board, after  
8 consultation with departmental legal counsel and the board's  
9 executive officer.

10 (C) To include in any report regarding a proposed regulatory  
11 change, at a minimum, the specific language of the proposed  
12 changes and the reasons for and facts supporting the need for the  
13 change. The board has the final rulemaking authority.

14 (c) This section shall become inoperative on July 1, 2008, and,  
15 as of January 1, 2009, is repealed, unless a later enacted statute  
16 which becomes effective on or before January 1, 2009, deletes or  
17 extends the dates on which it becomes inoperative and is repealed.  
18 The repeal of this section renders the committee subject to the  
19 review required by Division 1.2 (commencing with Section 473).

20 ~~SEC. 5. Section 1756 of the Business and Professions Code~~  
21 ~~is amended to read:~~

22 ~~1756. The board shall license as a registered dental assistant~~  
23 ~~in extended functions a person who satisfies all of the following~~  
24 ~~requirements:~~

25 ~~(a) Status as a registered dental assistant.~~

26 ~~(b) Completion of clinical training approved by the board.~~

27 ~~(c) Satisfactory performance on an examination required by~~  
28 ~~the board.~~

29 ~~SEC. 6. Section 1760 of the Business and Professions Code~~  
30 ~~is amended to read:~~

31 ~~1760. The following functions may be performed by a~~  
32 ~~registered dental hygienist in addition to those authorized pursuant~~  
33 ~~to Section 1760.5:~~

34 ~~(a) All functions that may be performed by a dental assistant or~~  
35 ~~a registered dental assistant. On and after January 1, 2006, a~~  
36 ~~registered dental hygienist may only perform functions that may~~  
37 ~~be performed by a registered dental assistant if the registered~~  
38 ~~dental hygienist also holds a current and active license as a~~  
39 ~~registered dental assistant.~~

~~(b) All persons holding a current and active license as a registered dental hygienist on January 1, 2006, shall automatically be issued a license as a registered dental assistant. The license shall expire on the same date as the individual's registered dental hygienist license and shall be subject to the same renewal and other requirements imposed by law or regulation on a license.~~

~~SEC. 7.— Section 1760.5 of the Business and Professions Code is amended to read:~~

~~1760.5. (a) Under general supervision, a registered dental hygienist may engage in the practice of dental hygiene. The practice of dental hygiene includes dental hygiene assessment, development, planning, and implementation of a dental hygiene care plan which may include, but is not limited to, the following:~~

- ~~(1) Oral health education, counseling, and health screenings.~~
- ~~(2) Preventive and therapeutic interventions, including oral prophylaxis, sealing, and root planning.~~
- ~~(3) Application of topical, therapeutic, and subgingival agents used for the control of caries and periodontal disease.~~
- ~~(4) The taking of impressions for bleaching trays and application and activation of agents with nonlaser light-curing devices.~~

~~(5) The taking of impressions for bleaching trays and placement of in-office tooth whitening devices.~~

~~(b) The practice of dental hygiene does not include any of the following procedures:~~

- ~~(1) Diagnosis and comprehensive treatment planning.~~
- ~~(2) Placing, condensing, carving, or removal of permanent restorations.~~
- ~~(3) Surgery or cutting on hard and soft tissue including, but not limited to, the removal of teeth and the cutting and suturing of soft tissue, except that a registered dental hygienist may perform soft tissue curettage under direct supervision and after submitting to the board evidence of satisfactory completion of a board-approved course of instruction in this procedure.~~

~~(4) Prescribing medication.~~

~~(5) Administering local or general anesthesia or oral or parenteral conscious sedation, except that a registered dental hygienist may administer nitrous oxide and oxygen, whether administered alone or in combination with each other, or local anesthesia under direct supervision and after submitting to the~~

~~board evidence of satisfactory completion of a board-approved  
courses of instruction in these procedures.~~

~~(c) Unless otherwise specified in this chapter, a registered  
dental hygienist may perform any procedure or provide any  
service within the scope of his or her practice in any setting.~~

~~(d) A registered dental hygienist may use any material or  
device approved for use in the performance of a service or  
procedure within his or her scope of practice if the registered  
dental hygienist has the appropriate education and training  
necessary to competently use the material or device.~~

~~SEC. 8.—Section 1761 of the Business and Professions Code  
is amended to read:~~

~~1761.—(a) A registered dental hygienist may provide, without  
supervision, educational services, oral health training programs,  
and oral health screenings. A registered dental hygienist shall refer  
any screened patients with possible oral abnormalities to a dentist  
for a comprehensive examination, diagnosis, and treatment plan.~~

~~(b) In any public health program created by federal, state, or  
local law, or administered by a federal, state, county, or local  
governmental entity, a registered dental hygienist may provide,  
without supervision, the duties prescribed in paragraphs (4) and  
(5) of subdivision (a) of Section 1760.5 and in subdivision (b) of  
Section 1760.5.~~

~~SEC. 9.—Section 1762 of the Business and Professions Code  
is repealed.~~

~~SEC. 10.—Section 1763 of the Business and Professions Code  
is repealed.~~

~~SEC. 11.—Section 1764 of the Business and Professions Code  
is repealed.~~

~~SEC. 12.—Section 1765 of the Business and Professions Code  
is amended to read:~~

~~1765.—No person other than a licensed dental hygienist or a  
licensed dentist may engage in the practice of dental hygiene or  
perform dental hygiene procedures on patients, including, but not  
limited to, supragingival and subgingival scaling, dental hygiene  
assessment, and treatment planning, except for the following  
persons:~~

~~(a) A student enrolled in a dental or a dental hygiene school  
who is performing procedures as part of the regular curriculum of  
that program under the supervision of the faculty of that program.~~



~~(b) A registered dental assistant acting in accordance with the rules of the board relating to the following:~~

~~(1) Applying nonaerosol and noncaustic topical agents.~~

~~(2) Applying topical fluoride.~~

~~(3) Taking impressions for bleaching trays.~~

~~(c) A registered dental assistant acting in accordance with the rules of the board relating to the following:~~

~~(1) Polishing the coronal surfaces of teeth.~~

~~(2) Applying bleaching agents.~~

~~(3) Activating bleaching agents with nonlaser light-curing devices.~~

~~(d) A registered dental assistant in extended functions acting in accordance with the rules of the board in applying pit and fissure sealants.~~

~~(e) A registered dental hygienist licensed in another jurisdiction performing a clinical demonstration for educational purposes.~~

~~SEC. 13. Section 1768 of the Business and Professions Code is amended to read:~~

~~1768. The board shall license as a registered dental hygienist in extended functions a person who meets all of the following requirements:~~

~~(a) Holds a valid license issued pursuant to Section 1766 as a registered dental hygienist.~~

~~(b) Completes clinical training approved by the board.~~

~~(c) Performs satisfactorily on an examination required by the board.~~

~~SEC. 14. Section 1775 of the Business and Professions Code is amended to read:~~

~~1775. (a) A registered dental hygienist in alternative practice may perform the same dental hygiene services as a registered dental hygienist is authorized to perform without supervision as defined in Section 1761 as an employee of a dentist or of another registered dental hygienist in alternative practice, or as an independent contractor, or as a sole proprietor of an alternative dental hygiene practice, or as an employee of a primary care clinic or specialty clinic that is licensed pursuant to Section 1204 of the Health and Safety Code or as an employee of a primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code, or as an employee of a clinic owned~~

~~1 or operated by a public hospital or health system, or as an  
2 employee of a clinic owned and operated by a hospital that  
3 maintains the primary contract with a county government to fill the  
4 county's role under Section 17000 of the Welfare and Institutions  
5 Code.~~

~~6 (b) A registered dental hygienist in alternative practice may  
7 perform the dental hygienist services defined in this section in the  
8 following settings:~~

~~9 (1) Residences of the homebound.~~

~~10 (2) Schools.~~

~~11 (3) Residential facilities and other institutions.~~

~~12 (4) Dental health professional shortage areas, as certified by the  
13 Office of Statewide Health Planning and Development in  
14 accordance with existing office guidelines.~~

~~15 (c) A registered dental hygienist in alternative practice shall not  
16 do any of the following:~~

~~17 (1) Infer, purport, advertise, or imply that he or she is in any  
18 way able to provide dental services or make any type of dental  
19 health diagnosis beyond those services defined in subdivision (a).~~

~~20 (2) Hire a registered dental hygienist to provide direct patient  
21 services other than a registered dental hygienist in alternative  
22 practice.~~

~~23 (d) A registered dental hygienist in alternative practice may  
24 submit or allow to be submitted any insurance or third-party claims  
25 for patient services performed as authorized pursuant to this  
26 article.~~

~~27 (e) A registered dental hygienist in alternative practice may  
28 hire other registered dental hygienists in alternative practice to  
29 assist in his or her practice.~~

~~30 (f) A registered dental hygienist in alternative practice may hire  
31 and supervise dental assistants performing functions specified in  
32 subdivision (b) of Section 1751.~~

~~33 (g) A registered dental hygienist in alternative practice shall  
34 provide to the board documentation of an existing relationship  
35 with at least one dentist for referral, consultation, and emergency  
36 services.~~

~~37 (h) A registered dental hygienist in alternative practice may  
38 perform dental hygiene services for a patient who presents to the  
39 registered hygienist in alternative practice a written prescription  
40 for dental hygiene services issued by a dentist or physician and~~

~~surgeon licensed to practice in this state who has performed a physical examination and a diagnosis of the patient prior to the prescription being provided. The prescription shall be valid for a time period based on the dentist's or physician and surgeon's professional judgment, but not to exceed 15 months from the date that it was issued.~~

~~SEC. 15.~~

SEC. 5. Section 830.3 of the Penal Code is amended to read:

830.3. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 of the Penal Code as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code. These peace officers may carry firearms only if authorized and under those terms and conditions as specified by their employing agencies:

(a) Persons employed by the Division of Investigation of the Department of Consumer Affairs and investigators of the Medical Board of California and the Board of Dental Examiners, who are designated by the Director of Consumer Affairs, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code.

(b) Voluntary fire wardens designated by the Director of Forestry and Fire Protection pursuant to Section 4156 of the Public Resources Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 4156 of that code.

(c) Employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 1655 of that code.

(d) Investigators of the California Horse Racing Board designated by the board, provided that the primary duty of these peace officers shall be the enforcement of Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code and Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of this code.

1 (e) The State Fire Marshal and assistant or deputy state fire  
2 marshals appointed pursuant to Section 13103 of the Health and  
3 Safety Code, provided that the primary duty of these peace officers  
4 shall be the enforcement of the law as that duty is set forth in  
5 Section 13104 of that code.

6 (f) Inspectors of the food and drug section designated by the  
7 chief pursuant to subdivision (a) of Section 106500 of the Health  
8 and Safety Code, provided that the primary duty of these peace  
9 officers shall be the enforcement of the law as that duty is set forth  
10 in Section 106500 of that code.

11 (g) All investigators of the Division of Labor Standards  
12 Enforcement designated by the Labor Commissioner, provided  
13 that the primary duty of these peace officers shall be the  
14 enforcement of the law as prescribed in Section 95 of the Labor  
15 Code.

16 (h) All investigators of the State Departments of Health  
17 Services, Social Services, Mental Health, Developmental  
18 Services, and Alcohol and Drug Programs, the Department of  
19 Toxic Substances Control, the Office of Statewide Health  
20 Planning and Development, and the Public Employees'  
21 Retirement System, provided that the primary duty of these peace  
22 officers shall be the enforcement of the law relating to the duties  
23 of his or her department, or office. Notwithstanding any other  
24 provision of law, investigators of the Public Employees'  
25 Retirement System shall not carry firearms.

26 (i) The Chief of the Bureau of Fraudulent Claims of the  
27 Department of Insurance and those investigators designated by the  
28 chief, provided that the primary duty of those investigators shall  
29 be the enforcement of Section 550.

30 (j) Employees of the Department of Housing and Community  
31 Development designated under Section 18023 of the Health and  
32 Safety Code, provided that the primary duty of these peace officers  
33 shall be the enforcement of the law as that duty is set forth in  
34 Section 18023 of that code.

35 (k) Investigators of the office of the Controller, provided that  
36 the primary duty of these investigators shall be the enforcement of  
37 the law relating to the duties of that office. Notwithstanding any  
38 other law, except as authorized by the Controller, the peace officers  
39 designated pursuant to this subdivision shall not carry firearms.

1 (l) Investigators of the Department of Corporations designated  
2 by the Commissioner of Corporations, provided that the primary  
3 duty of these investigators shall be the enforcement of the  
4 provisions of law administered by the Department of  
5 Corporations. Notwithstanding any other provision of law, the  
6 peace officers designated pursuant to this subdivision shall not  
7 carry firearms.

8 (m) Persons employed by the Contractors' State License Board  
9 designated by the Director of Consumer Affairs pursuant to  
10 Section 7011.5 of the Business and Professions Code, provided  
11 that the primary duty of these persons shall be the enforcement of  
12 the law as that duty is set forth in Section 7011.5, and in Chapter  
13 9 (commencing with Section 7000) of Division 3, of that code. The  
14 Director of Consumer Affairs may designate as peace officers not  
15 more than three persons who shall at the time of their designation  
16 be assigned to the special investigations unit of the board.  
17 Notwithstanding any other provision of law, the persons  
18 designated pursuant to this subdivision shall not carry firearms.

19 (n) The Chief and coordinators of the Law Enforcement  
20 Division of the Office of Emergency Services.

21 (o) Investigators of the office of the Secretary of State  
22 designated by the Secretary of State, provided that the primary  
23 duty of these peace officers shall be the enforcement of the law as  
24 prescribed in Chapter 3 (commencing with Section 8200) of  
25 Division 1 of Title 2 of, and Section 12172.5 of, the Government  
26 Code. Notwithstanding any other provision of law, the peace  
27 officers designated pursuant to this subdivision shall not carry  
28 firearms.

29 (p) The Deputy Director for Security designated by Section  
30 8880.38 of the Government Code, and all lottery security  
31 personnel assigned to the California State Lottery and designated  
32 by the director, provided that the primary duty of any of those  
33 peace officers shall be the enforcement of the laws related to  
34 assuring the integrity, honesty, and fairness of the operation and  
35 administration of the California State Lottery.

36 (q) Investigators employed by the Investigation Division of the  
37 Employment Development Department designated by the director  
38 of the department, provided that the primary duty of those peace  
39 officers shall be the enforcement of the law as that duty is set forth  
40 in Section 317 of the Unemployment Insurance Code.

1 Notwithstanding any other provision of law, the peace officers  
2 designated pursuant to this subdivision shall not carry firearms.

3 (r) The chief and assistant chief of museum security and safety  
4 of the California Science Center, as designated by the executive  
5 director pursuant to Section 4108 of the Food and Agricultural  
6 Code, provided that the primary duty of those peace officers shall  
7 be the enforcement of the law as that duty is set forth in Section  
8 4108 of the Food and Agricultural Code.

9 (s) Employees of the Franchise Tax Board designated by the  
10 board, provided that the primary duty of these peace officers shall  
11 be the enforcement of the law as set forth in Chapter 9  
12 (commencing with Section 19701) of Part 10.2 of Division 2 of the  
13 Revenue and Taxation Code.

14 (t) Notwithstanding any other provision of this section, a peace  
15 officer authorized by this section shall not be authorized to carry  
16 firearms by his or her employing agency until that agency has  
17 adopted a policy on the use of deadly force by those peace officers,  
18 and until those peace officers have been instructed in the  
19 employing agency's policy on the use of deadly force.

20 Every peace officer authorized pursuant to this section to carry  
21 firearms by his or her employing agency shall qualify in the use of  
22 the firearms at least every six months.

23 (u) Investigators of the Department of Managed Health Care  
24 designated by the Director of the Department of Managed Health  
25 Care, provided that the primary duty of these investigators shall be  
26 the enforcement of the provisions of laws administered by the  
27 Director of the Department of Managed Health Care.  
28 Notwithstanding any other provision of law, the peace officers  
29 designated pursuant to this subdivision shall not carry firearms.

30 ~~SEC. 16.~~

31 ~~SEC. 6.~~ Section 3 of Chapter 859 of the Statutes of 2001 is  
32 repealed.

33 ~~SEC. 17.~~

34 ~~SEC. 7.~~ Section 4 of Chapter 859 of the Statutes of 2001 is  
35 repealed.

36 ~~SEC. 18.~~ No reimbursement is required by this act pursuant  
37 to Section 6 of Article XIII B of the California Constitution  
38 because the only costs that may be incurred by a local agency or  
39 school district will be incurred because this act creates a new crime  
40 or infraction, eliminates a crime or infraction, or changes the

1 ~~penalty for a crime or infraction, within the meaning of Section~~  
2 ~~17556 of the Government Code, or changes the definition of a~~  
3 ~~crime within the meaning of Section 6 of Article XIII B of the~~  
4 ~~California Constitution.~~

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